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In re Application of BATMAN et al :  
U.S. Application No.: 09/555,718 :  
Int. Application No.: PCT/US98/25850 : DECISION  
Int. Filing Date: 04 December 1998 :  
Priority Date: 04 December 1997 :  
Attorney Docket No.: 5727-65998 :  
For: INSTRUMENT SETUP UTILITY PROGRAM :

This is in response to applicants' "Response to Notification of a Defective Response" filed 12 January 2001, which is being treated as a request to change the name of one of the inventors.

#### BACKGROUND

On 04 December 1998, applicants filed international application PCT/US98/25850, which claimed priority of an earlier United States application filed 04 December 1997. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 June 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000 (04 June 2000 was a Sunday).

On 02 June 2000, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 June 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 November 2000, applicants filed executed declarations signed by eleven of the twelve joint inventors and not signed by inventor Tracy Tetzlaff.

On 14 December 2000, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) along with a Notification of a Defective Oath or Declaration (Form

PCT/DO/EO/917) indicating that the declarations filed 28 November 2000 were not fully executed.

On 12 January 2001, applicants filed a response to the 14 December 2000 notification including a declaration signed by "Tracy Knudsen". The response states that inventor Tracy Tetzlaff changed her name to Tracy Knudsen as a result of marriage.

### DISCUSSION

MPEP 605.04(c) states in relevant part,

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

In the present case, applicants have not filed an appropriate petition under 37 CFR 1.182, the requisite petition fee, and the requisite affidavit or court order.

### CONCLUSION

For the reasons above, the request to change the inventor's name is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182" and must include the requisite petition fee and information noted above.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
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